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35 U.S.C. 41 Patent fees; patent and trademark search systems.

***Editor's Note: During fiscal years 2005 and 2006, subsections (a) and (b) of section 41 of title 35, United States Code, shall be administered as though subsections (a) and (b) read as follows:**

(a) GENERAL FEES. - The Director shall charge the following fees:

(1) FILING AND BASIC NATIONAL FEES. -

(A) On filing each application for an original patent, except for design, plant, or provisional applications, \$300.

(B) On filing each application for an original design patent, \$200.

(C) On filing each application for an original plant patent, \$200.

(D) On filing each provisional application for an original patent, \$200.

(E) On filing each application for the reissue of a patent, \$300.

(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, \$300.

(G) In addition, excluding any sequence listing or computer program listing filed in electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), \$250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

(2) EXCESS CLAIMS FEES. - In addition to the fee specified in paragraph (1) -

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(A) on filing or on presentation at any other time, \$200 for each claim in independent form in excess of 3;

(B) on filing or on presentation at any other time, \$50 for each claim (whether dependent or independent) in excess of 20; and

(C) for each application containing a multiple dependent claim, \$360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

(3) EXAMINATION FEES. -

(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, \$200.

(B) For examination of each application for an original design patent, \$130.

(C) For examination of each application for an original plant patent, \$160.

(D) For examination of the national stage of each international application, \$200.

(E) For examination of each application for the reissue of a patent, \$600.

The provisions of section 111(a) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

(4) ISSUE FEES. -

(A) For issuing each original patent, except for design or plant patents, \$1,400.

(B) For issuing each original design patent, \$800.

(C) For issuing each original plant patent, \$1,100.

(D) For issuing each reissue patent, \$1,400.

(5) DISCLAIMER FEE. - On filing each disclaimer, \$130.

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(6) APPEAL FEES. -

(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, \$500.

(B) In addition, on filing a brief in support of the appeal, \$500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, \$1,000.

(7) REVIVAL FEES. - On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, \$1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be \$500.

(8) EXTENSION FEES. - For petitions for 1-month extensions of time to take actions required by the Director in an application -

(A) on filing a first petition, \$120;

(B) on filing a second petition, \$330; and

(C) on filing a third or subsequent petition, \$570.

(b) MAINTENANCE FEES. - The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

(1) 3 years and 6 months after grant, \$900.

(2) 7 years and 6 months after grant, \$2,300.

(3) 11 years and 6 months after grant, \$3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.

(Dec. 8, 2004, Public Law 108-447, sec. 801, 118 Stat. 2809.)

The bracketed text below is the unamended text of 35 U.S.C. 41(a) and (b), which may continue to have effect following fiscal year 2006:

[(a) The Director shall charge the following fees:

(1)

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